

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:17-cv-00730-FDW-DSC

JANE DOE,

Plaintiff,

VS.

CATHLEEN MARY FOWLER and JOHN  
M. FOWLER,

Defendants.

## DEFAULT JUDGMENT

THIS MATTER is before the Court on Plaintiff Jane Doe’s Motion for Default Judgment against Defendant John M. Fowler (Doc. No. 42), and it appears from the record that:

1. The Complaint in this action was filed on December 20, 2017 (Doc. No. 1).
2. Service of process required by Fed R. Civ. P. 4 was made on Defendant on February 9, 2018 (Doc. No. 3, p. 3).
3. Defendant was required to file an answer or other responsive pleading within 21 days after being served under Fed. R. Civ. P. 12(a)(1)(A)(i).
4. Defendant has not filed an answer, responsive pleading, or otherwise appeared in the above captioned action.
5. The time to file an answer, responsive pleading, or otherwise appear has expired as to Defendant.
6. The Clerk entered default against Defendant on May 10, 2018 (Doc. No. 21).
7. Jane Doe seeks damages against Defendant of a sum certain of \$150,000.00 evidenced by an Affidavit filed by Plaintiff's attorney (Doc. No. 1, ¶¶ 21-26; Doc.

No. 42-1). The Court notes that the minimum amount of actual damages recoverable under 18 U.S.C. § 2255(a) is \$150,000.00, and Jane Doe only seeks judgment in the minimum amount mandated by § 2255(a).

8. Jane Doe also seeks costs, which she is entitled to under 18 U.S.C. § 2255(a). See 18 U.S.C. § 2255(a) (“Any person who, while a minor, was a victim of a violation of section . . . 2243 of this title and who suffers personal injury as a result of such violation, regardless of whether the injury occurred while such person was a minor, may sue in any appropriate United States District Court and *shall* recover the actual damages such person sustains and *the cost of the suit, including a reasonable attorney’s fee.*”) (emphasis added). Because Plaintiff has failed to provide an amount requested for costs or any documentation to support her request, the Court instructs Plaintiff to supplement her supporting affidavit to reflect an amount consistent with this Order to be filed no later than seven (7) calendar days from the date of this Order.

NOW THEREFORE, pursuant to Fed R. Civ. P. 55(b), the Court enters judgment against Defendant John M. Fowler in favor of Jane Doe in the amount of \$150,000.00, plus costs to be determined based on accompanying documentation.

IT IS THEREFORE ORDERED that Plaintiff’s Motion (Doc. No. 42) is GRANTED.

IT IS SO ORDERED.

Signed: February 26, 2019

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

